



The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street, Boston, MA 02202

ARGEO PAUL CELLUCCI
GOVERNOR

TRUDY COXE
SECRETARY

Tel: (617) 727-9800
Fax: (617) 727-2754

September 16, 1998

<http://www.magnet.state.ma.us/envir>

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
GENERIC ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : 21E Program Evaluation
PROJECT MUNICIPALITY : Statewide
PROJECT WATERSHED : Statewide
EOEA NUMBER : 11203
PROJECT PROPONENT : Department of Environmental Protection
DATE NOTICED IN MONITOR : July 8, 1998

As Secretary of Environmental Affairs, I hereby determine that the Generic Environmental Impact Report (GEIR) submitted on this project adequately and properly complies with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 C.M.R. 11.00).

The project involves an evaluation of the Waste Site Cleanup Program authorized by Massachusetts General Law Chapter 21E and implemented by 310 C.M.R. 40.0000 (the Massachusetts Contingency Plan). In 1992-93, the Department of Environmental Protection (DEP) instituted a new regulatory approach to waste site cleanup in the Commonwealth, replacing the centralized program previously in effect with a new system whereby DEP no longer directly oversees all site cleanups. In the new system, property owners hire private cleanup specialists (Licensed Site Professionals or LSPs) licensed by an independent board, and the LSPs oversee site cleanup. DEP audits a portion of all sites each year to ensure adherence to applicable standards.

The 1993 regulatory changes underwent MEPA review (EOEA #9307). I did not require an Environmental Impact Report at that time, but required DEP to file a Generic Environmental Notification Form by June 1997 to reexamine the appropriateness of further MEPA review. In a Certificate issued August 8, 1997, I required the preparation of a Generic Environmental Impact Report. My primary purpose in requiring a GEIR was "...to ensure maximum public awareness of, and input into, the program evaluation and any proposed regulatory changes which may grow out of that evaluation."

The GEIR has served its purpose of stimulating public discussion of the 21E program evaluation. I have received a number of

thoughtful and detailed comments from a wide variety of parties with interests in waste site cleanups. The comments have raised a number of issues in need of a response, from technical questions about the evaluation methodology to specific recommendations regarding various requirements in the current regulations. From the GEIR and the comments, it is clear that some aspects of the 21E program are working well, while other aspects need refinement (although the comments do not always agree on the extent of improvements needed, which areas need improvement, and what form those improvements should take).

To continue to ensure maximum public access to information and involvement in the 21E process, I am requiring DEP to produce a Final Generic Environmental Impact Report (Final GEIR). This document should respond to the comments received on the GEIR, and offer more definitive information about any proposed regulatory changes to the 21E program.

I will allow DEP considerable flexibility in the format of the Final GEIR, so long as the Final GEIR addresses the issues raised in the comments received. At a minimum, DEP should circulate the Final GEIR to those who commented on the GEIR.

9/16/98

DATE


Trudy Cox

Comments received :

7/23/98	Buchanan & Associates (Amy Black)
8/3/98	Norfolk Environmental
8/4/98	Hale and Dorr LLP
8/7/98	New Mexico Environment Department (Stacy Sabol)
8/12/98	Foley, Hoag & Eliot LLP
9/9/98	Massachusetts LSP Association (Steinberg and Furst)
9/9/98	Massachusetts LSP Association (Furst)
9/9/98	Boston Bar Association
9/9/98	Goodwin, Procter & Hoar LLP
9/9/98	Massachusetts Electric
9/9/98	William Baird
9/9/98	21E Citizens Study Committee
9/9/98	Associated Industries of massachusetts/ National Association of Industrial and Office Properties
9/10/98	Massachusetts water Resources Authority
9/10/98	Dr. George Furst
9/10/98	Haley & Aldrich

TC/ASP/asp